UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

COPY MAILED

AUG 10 2009

OFFICE OF PETITIONS

MICHAEL E CARMEN ESQ
M CARMEN & ASSOCIATES PLLC
SUITE 400
170 OLD COUNTRY ROAD
MINEOLA NY 11501

In re Application of :
Roby, et al. :
Application No. 10/674,692 : ON PETITION
Filed: September 30, 2003 :
Attorney Docket No. T-6172A (538-58) :

This is in response to petition to revive an unintentionally abandoned application under 37 CFR 1.137(b), filed June 30, 2009.

The petition under 37 CFR 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to timely file a proper response to the final Office action mailed December 3, 2008, which set a shortened statutory period for reply of three (3) months. No reply having been received, the application became abandoned on March 4, 2009. The Office mailed a Notice of Abandonment on June 9, 2009.

With the instant petition, petitioner paid the petition fee, made the proper statement of unintentional delay, and submitted the required reply in the form of a Notice of Appeal.

Please be advised that the two month period for filing an appeal brief (accompanied by the fee required by 37 CFR 1.17(c)) runs from the date of this decision.

The matter is being returned to Group Art Unit 1796 to await for applicant's submission of the appeal brief.

Telephone inquiries concerning this decision may be directed to the undersigned at 571-272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions